

Notice of Allowability

Application No.

10/534,522

Examiner

Ernst V. Arnold

Applicant(s)

ARAI, TOMONORI

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1 and 2, 1-5
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Johann Richter
 JOHANN RICHTER
 SUPERVISORY PATENT EXAMINER
 GROUP 1800

EXAMINER'S AMENDMENT

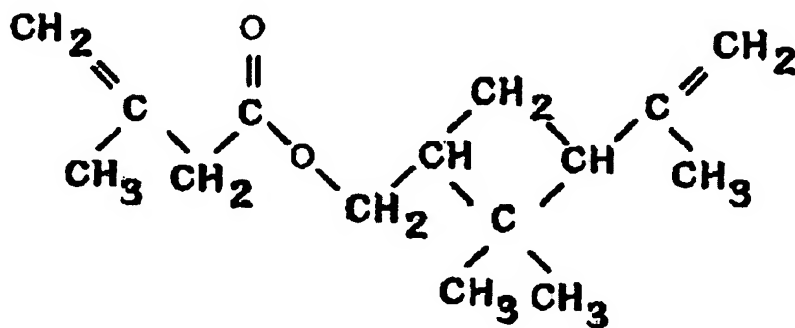
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Pereira on 06/29/2006.

Please replace all prior versions of the claims with the instant claims. The application has been amended as follows:

Claims

Claim 1 (Currently amended) Isolated and purified 3-isopropenyl-2,2-dimethylcyclobutylmethyl 3-methyl-3-butenate represented by the following formula (I):



Claim 2 (Currently amended) A sex attractant comprising, the isolated and purified 3-isopropenyl-2,2-dimethylcyclobutylmethyl 3-methyl-3-butenate; and an organic solvent

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selected from the group consisting of pentane, hexane, diethyl ether, acetone, methylene chloride, and combinations thereof. ---delete figure---

Claim 3 (New) A sex attractant comprising, the isolated and purified 3-isopropenyl-2,2-dimethylcyclobutylmethyl 3-methyl-3-butenate encapsulated in a rubber cap, a capillary, or a plastic capsule.

Claim 4 (New) A sex attractant comprising, the isolated and purified 3-isopropenyl-2,2-dimethylcyclobutylmethyl 3-methyl-3-butenate contained in a trap.

Claim 5 (New) A sex attractant comprising, the isolated and purified 3-isopropenyl-2,2-dimethylcyclobutylmethyl 3-methyl-3-butenate carried and absorbed on an activated carbon, an inactivated powder or a granule.

The following is an examiner's statement of reasons for allowance: the closest prior art, (Arai Appl. Entomol. Zool. 2000, 35(4), 525-528), does not alone or in combination teach or suggest the instantly claimed isolated and purified 3-isopropenyl-2,2-dimethylcyclobutylmethyl 3-methyl-3-butenate. The disclosure of Arai teaches that *Pseudococcus cryptus* has a sex pheromone but does not identify, characterize or isolate the pheromone. Applicant has laboriously isolated and determined the structure of the sex pheromone from *Pseudococcus cryptus* thus making a new and unobvious contribution to the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1-5 are allowed.

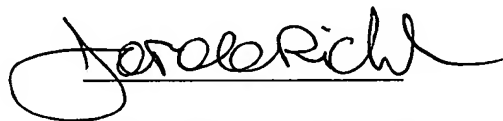
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernst V. Arnold whose telephone number is 571-272-8509. The examiner can normally be reached on M-F (6:15 am-3:45 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ernst Arnold
Patent Examiner
Technology Center 1600
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A handwritten signature in black ink, appearing to read "Johann Richter", with a large, stylized initial "J" and a horizontal line under the name.

Johann Richter, Ph.D. Esq.
Supervisory Patent Examiner
Technology Center 1600